

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN M. DENENBERG,)	DOC.	PAGE
)		
Plaintiff,)		
)		
vs.)	COMPLAINT	
)		
BORKO B. DJORDJEVIC,)		
)		
Defendant.)		

Comes now the Plaintiff and for causes of action against the Defendant states and alleges as follows:

JURISDICTION & VENUE

1. That Plaintiff is a resident of Omaha, Douglas County, Nebraska.
2. That Defendant is a resident of California.
3. That Plaintiff and Defendant are plastic surgeons actively engaged in the practice of medicine.
4. This action includes inter alia claims for infringement of copyright. Jurisdiction is therefore provided under 28 U.S.C. 1331 & 1338(a). Complaint is also made in this action for related cause of action. This Honorable Court has pendent jurisdiction over such claims.

COPYRIGHT CAUSE OF ACTION NO. 1

5. That Plaintiff has established an internet Web site that displays the outstanding quality of surgery he performs by showing before and after photographs of patients he has operated on.
6. That all of the content (text, photographs and diagrams) of the Internet Web site has been registered with the United States Copyright Office and every page and photograph in

said Web site is protected by the US Copyright laws by reason of compliance with all regulations.

7. That the Plaintiff's internet Web site address is www.facialsurgery.com.

8. That in 2004 the Defendant established a Web site for his plastic surgery practice in which he engages in southern California. That the Internet address of this Web site is currently <http://www.face-lift.us>.

9. That the Defendant, in an effort to enhance his practice, displayed before and after photographs of facial plastic surgery patients on his Web site.

10. That many of the photographs displayed on Defendant's Web site were photographs of Plaintiff's patients on whom Plaintiff had operated. That the photographs were copied from Plaintiff's copyrighted Web site. That the transmission of Defendant's Web site is an infringement within the meaning of Title 17, Chapter 15, of the U.S. Code.

11. That Defendant has profited by and used Plaintiff's copyrighted works of authorship without authority to do so, and contrary to US copyright law.

WHEREFORE, Plaintiff prays as follows:

- A. That Defendant be cited to appear and answer here;
- B. for a judgment against the Defendant for Plaintiff's damages sustained or for special damages in the amount of \$150,000.00 as allowed by law, at Plaintiff's option;
- C. for a preliminary injunction and permanent injunction;
- D. for reasonable and necessary attorneys fees;
- E. for pre-judgment and post-judgment interest;
- F. for court costs, and
- G. for such other and further relief to which Plaintiff has shown itself to be entitled.

COPYRIGHT CAUSE OF ACTION NO. 2

12. That Plaintiff incorporates paragraphs 1-11 of this complaint into cause of action No. 2.

13. That the Defendant, on or about 2005, established another Web site to promote his plastic surgery practice and the address of this Web site is www.SurgeonToTheStars.com. That this second Web site also contained numerous before and after photographs of Plaintiff's patients, taken from Plaintiff's copyrighted Web site. That Defendant claimed that he owned the copyright on those stolen photographs. That the use of Plaintiff's copyrighted photographs on www.SurgeonToTheStars.com was another and separate infringement by this Defendant.

WHEREFORE, Plaintiff prays as follows:

- A. That Defendant be cited to appear and answer here;
- B. for a judgment against the Defendant for Plaintiff's damages sustained or for special damages in the amount of \$150,000.00 as allowed by law, at Plaintiff's option;
- C. for a preliminary injunction and permanent injunction;
- D. for reasonable and necessary attorneys fees;
- E. for pre-judgment and post-judgment interest;
- F. for court costs, and
- G. for such other and further relief to which Plaintiff has shown itself to be entitled.

CAUSE OF ACTION NO. 3 (CONSUMER PROTECTION ACT)

14. That Plaintiff incorporates paragraphs 12-13 of this complaint into cause of action No. 3.

15. The Nebraska Consumer Protection Act NRS 59-1602 provides as follows:

Unfair methods of competition and unfair or deceptive
acts or practices in the conduct of any trade or commerce

shall be unlawful.

16. That Defendant's acts were unfair and deceptive and a violation of the Nebraska Consumer Protection Act.

Wherefore Plaintiff prays for damages on cause of action No. 3, for reasonable attorneys fees and for costs herein expended.

CAUSE OF ACTION NO. 4 (LANHAM ACT (15USC))

17. That Plaintiff incorporates paragraphs 14-16 of this complaint into cause of action No. 4.

18. The Defendant's act above set forth violated US Code Title 15, Chapter 22, Subchapter III Sec. 1125 which provides as follows:

- (a) Civil Action
- (1) Any person who **uses** false or misleading representations of fact, which –
 - (A) is likely to cause confusion, or to cause mistake or to deceive as to the ***services, or commercial activities by another person, *** shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

Wherefore, Plaintiff prays for damages allowed by law on cause of action No. 4 and for reasonable attorneys fees and for costs herein expended.

Dated this 20th day of April, 2007.

STEVEN M. DENENBERG, Plaintiff,

By: //Norman Denenberg//
Norman Denenberg, (10983)
3814 Dodge St., Omaha, NE 68131
(402) 551-5540
Attorney for Plaintiff

Plaintiff's Request for Place of Trial: Omaha, Nebraska PLD2000
Plaintiff hereby, pursuant to Rule 38b(2), endorses his demand for jury trial on this complaint.